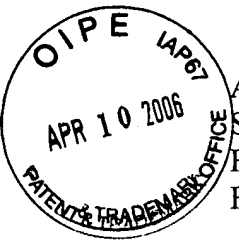


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of : Clayton H. Johnson et al.  
Serial No : 10/718,955  
Filed : November 21, 2003  
For : ***HISTOPLASMA CAPSULATUM CHITIN SYNTHASE  
SEQUENCES AND THEIR USE FOR DETECTION  
OF HISTOPLASMA CAPSULATUM AND  
HISTOPLASMOSIS***  
  
Examiner : Bausch, Sarae L.  
Art Unit : 1634

---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ELECTION AND RESPONSE**

Sir:

This election and response is being filed in response to an Office Action mailed March 9, 2006, in which a one-month shortened statutory period for reply was set. As a response is due Sunday April 9, 2006, it is believed that this response is being timely filed on Monday April 10, 2006. Also submitted herewith is a Preliminary Amendment and fees for one new dependent claim. Should any additional fees be due, the Commissioner is hereby authorized to charge fees that may be required by this action to Deposit Account No. 16-1435. A duplicate sheet is attached for that purpose.

Applicant respectfully elects group I, claims 1-4, 17-18, with traverse. In accordance with paragraph 10 of the Office Action, and MPEP Rule 803.04 in which the Patent Office partially waived the requirements of 37 CFR § 1.141 *et seq.*, to permit a reasonable number of sequences to be examined in a single application, Applicants elect the combination of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, SEQ ID NO: 6, SEQ ID NO: 7, and SEQ ID NO: 8 for further prosecution, with traverse. Applicant further notes that SEQ ID NO: 7 and 8 correspond to primers derived from SEQ ID NO: 1. Applicant traverses restriction on the grounds that searching each of the groups would not prove unduly burdensome.

The Examiner is respectfully invited to telephone the undersigned at (336) 747-7541 to discuss any questions relating to the application.

Respectfully submitted,

Date: April 10, 2006

  
Cynthia B. Rothschild, Reg. No. 47,040

ILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, North Carolina 27101-2400  
(336) 747-7541 Phone  
(336) 607-7500 Facsimile  
**Attorney Docket No.: 55474-294389**

55474-294389  
9258495.1